

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-cr-00134

ALLEN H. LOUGHRY II

**THIRD SUPPLEMENTAL RESPONSE OF THE UNITED STATES TO DEFENDANT'S
STANDARD DISCOVERY REQUESTS;
REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY**

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, Rule 16.1 of the Local Rules of Criminal Procedure, and the Arraignment Order and Standard Discovery Request entered by the Court in this case on August 23, 2018, the United States of America, by counsel, supplements its response to defendant's Standard Discovery Request as follows:

Preliminary Response: Pursuant to this Supplemental Response, the United States provides materials contained on a CD, containing the following folders:

1. Request E-Anticipated Trial Exhibits
2. Other Materials

Request E: Permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, building or places, or copies or portions of any of those items, if the item is within the government's possession, custody or control, and (i) the item is material to preparing the defense; (ii) the government intends to use the item in its case-in-chief at trial; or (iii) the item was obtained from or belongs to defendant. [Fed. R. Crim. P. 16(a)(1)(E)]

Response: See Folder 1.

Request K: Disclose to defendant any matter as to which the government will seek judicial notice.

Response: The United States will seek judicial notice of the West Virginia Code of Judicial Conduct (both the current version and the version in effect through December 2015), particularly Canon 1 and Rules 1.1 through 1.3 of the current version and Canon 2 of the prior version; WV Code § 61-3-20 (Embezzlement); WV Code Chapter 6B (West Virginia Government Ethics Act), particularly WV Code § 6B-2-5.

Other Materials: See Folder 2.

Request M: Provide notice to defendant of the government's intention to use evidence pursuant to Rule 12(b)(4)(B) of the Federal Rules of Criminal Procedure.

Response: The United States reserves the right to use all information and evidence disclosed herein or made available for inspection and copying pursuant to this Response and such information and evidence which may be discovered and finally provided to defendant.

Any discovery provided that is not mandated by Court order, the Federal Rules of Criminal Procedure, federal statute or federal case law, is provided voluntarily as a matter of discretion solely to expedite and facilitate litigation of this case.

REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY

Pursuant to Rules 16.1(b) and 16.1(d) of the Local Rules of Criminal Procedure, the United States of America requests that defendant Loughry provide all applicable reciprocal discovery

within 14 days of the service of this response and the provision of materials requested by defendant Loughry in his Standard Discovery Requests.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing “THIRD SUPPLEMENTAL RESPONSE OF THE UNITED STATES TO DEFENDANT'S STANDARD DISCOVERY REQUESTS; REQUEST OF THE UNITED STATES FOR RECIPROCAL DISCOVERY; AND NOTICE OF INTENT TO OFFER CERTIFIED RECORDS UNDER FED. R. EVID. 902(11) OR 902(13)” has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 30th day of August, 2018, to:

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